

WEBINAR

IP Protection in China's Digital Economy

CHINA
IP SME HELPDESK

 **GERMAN CHAMBER**
of Commerce in China • South & Southwest
中国德国商会 • 华南及大西南地区

Event Agenda

- 14:50 – 15:00 • Sign in
- 15:00 – 15:05 • Opening remarks
- 15:05 – 15:10 • Introduction to China IPR SME Helpdesk by Ms. Jennifer Cao
- 15:10 – 15:50 • Presentation on the Overview of IP Protection in Digital Economy
by Mr. Matias Zubimendi
- 15:50 – 16:00 • Q&A Session



China IPR SME Helpdesk

ABOUT US

Helpdesk Free Services

Enquiry Helpline



question@china-iprhelpdesk.eu

Training Workshops



Webinars



Website & Blog



<https://ec.europa.eu/ip-helpdesk>

Guides & Factsheets



CHINA IPR SME HELPDESK
WWW.CHINA-IPRHELPDESK.EU

IP Factsheet: Mainland China



1. THE FACTS: Business in Mainland China for EU Companies
(Source: DG Trade)



SIZE OF Market:

- EU exports to Mainland China: EUR 173.5 billion
- EU imports from Mainland China: EUR 299.9 billion
- Total trade in goods: EUR 473.4 billion

> Mainland China is the EU's second largest trading partner, after the USA.
 > The EU is China's largest trading partner.

Key INDUSTRY SECTORS:

- > EU exports to Mainland China are dominated by machinery and equipment, motor vehicles, aircraft, and chemicals.
- > Mainland China's key export items to the EU include machinery and equipment, footwear and clothing, furniture and lamps, and toys.

1. THE FACTS: Business in Mainland China for EU Companies
Key INDUSTRY SECTORS

2. IPR in Mainland China for SMEs: BACKGROUND
Intellectual Property Rights for SMEs: Why is this RELEVANT to you?
How does Mainland China's IP legal framework compare to INTERNATIONAL STANDARDS?

3. IP Rights in Mainland China THE BASICS

- Copyright
- Patents
- Trade Marks
- Geographical Indications (GIs)
- Trade Secrets

4. Using CUSTOMS to block counterfeits

5. Enforcing your IP

- Administrative actions
- Civil Litigation
- Criminal Prosecution

6. RELATED LINKS and Additional Information

Co-funded by:
European Union

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Protecting Your Trade Secrets in China

Prevention is the key to protection.



WHAT EXACTLY CAN BE A TRADE SECRET

SOMETHING THAT

- 1 is not publicly known
- 2 has commercial value
- 3 you took measures to keep secret

expressions of ideas

know-hows, manufacturing or design techniques

status of products or services under development

valuable business information, lists, cost and price information

KEEP IT SECRET, KEEP IT SAFE

It is important to remember that once trade secrets become publicly known, they can no longer be protected as trade secrets.

DON'T FORGET YOUR EMPLOYEES

CONFIDENTIAL

- Limit access and copying rights to the personnel who actually need it.
- Require all employees to sign an employment agreement with strict confidentiality provisions.
- Be sure to hold exit-interviews and have them return documents, materials, computers, and files.
- Establish an internal management system for trade secrets. Training and clear written guidelines are essential.

DEALING WITH THIRD PARTIES

Business dealings or negotiations with third parties, potential partners, suppliers, contractors, licensees, or customers

monitor your partners, suppliers or licensees to make sure they are complying with your trade secrets protection policy

<https://ec.europa.eu/ip-helpdesk>

Speaker's Bio



<i>Name</i>	Matias Zubimendi
<i>Company</i>	China IP SME Helpdesk
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Mr. Matias Zubimendi is the IP Business Advisor at China IP SME Helpdesk, where he advises European SMEs on intellectual property rights matters. Mr. Zubimendi holds a Master's degree in Chinese Civil and Commercial Law from Peking University as well as a Master's degree in Intellectual Property Law from Austral University in cooperation with the World Intellectual Property Organisation. Mr. Zubimendi has a strong background in both business development and intellectual property rights protection, having previously worked as a China Business and Legal Consultant at Terragene, where he focused on business development and as a Director of Legal Affairs at Conquer Europe. Previously, he has also worked as a Patent and Trademark Attorney at Phoebus Abogados and Mazzeo & Canet, where he represented SMEs as well as Fortune 500 companies.

Mr. Zubimendi has given lectures at various conferences including the Ibero-American Conference on Chinese Studies and published several articles including *The legal protection of intangibles in the video games industry*. As a Professor Assistant, he has also given lectures on Commercial Law and Procedural law, while focusing on Copyright and AI in his research. Mr. Zubimendi is a native Spanish speaker fluent in English.

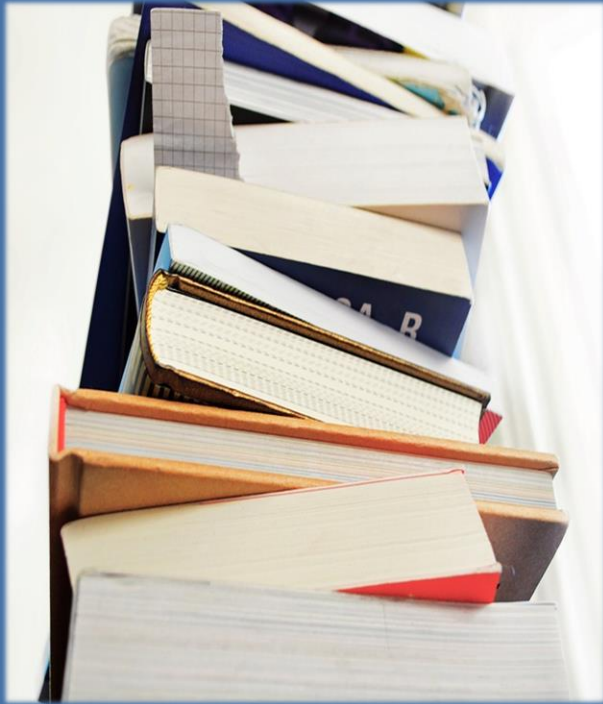


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2. Digital economy
3. Copyright
4. Artificial intelligence
5. E-commerce
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7. Surveillance and enforcement preparation
8. Enforcement
9. Blockchain
10. Takeaway Messages

01

Introduction to IPR

Intellectual property rights

1.1

Main intellectual property rights

- Invention patents & utility models
- Design patents
- Trade marks
- Copyright
- Trade secrets
- Domain names

1.2

Main principles

- Registration
- Territoriality



02

Digital economy

Basics and challenges



2.1

What is digital economy?

- Economy based on electronic goods & services
- Produced by electronic businesses
- Traded through the means of electronic commerce

2.2

Challenges

- E-commerce
- Artificial Intelligence
- Blockchain
- Internet Courts

03

Copyright

How to protect databases and software



3.1

Databases

- Copyright protection
- Originality of the database

3.2

Software

- Copyright
- Invention patent

3.3

Artificial intelligence

- The software itself
- The creation made by the software

04 | Artificial Intelligence



4.1

Introduction

- Types of creations made by the AI
 - AI as an instrument
 - Human and AI co-operation
 - AI as a sole creator

4.2

Who is the owner of the creation

- Different possibilities
 - AI algorithm creator
 - AI user
 - AI
 - Nobody – public domain

4.3

Precedents in China

Shenzhen Tencent v. Shanghai Yingxun

05

E-commerce

What IPRs are relevant in e-commerce for SMEs



5.1

Trade mark

- Company
- Products

5.2

Copyright

- Brands
- Pictures - photos
- Texts - descriptions

5.3

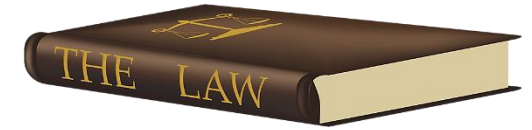
Industrial designs

- Products

5.4

Trade secrets

06 | New E-commerce Law (2019)



6.1

Joint liability (art. 45)

- Seller
- E-commerce platform

6.2

The “necessary measures” for IPRs protection

- E-commerce platforms’ IP rules (*art. 41*)
- Notice & take down as a dispute resolution method (*art. 42*)
- Response times (*art. 44*)

6.3

Penalties

Fines up to RMB 2 million

07

Surveillance and enforcement preparation

- IP dispute resolution methods

7.1

Surveillance

- Regular control
- Evidence collection

7.3

Enforcement

- Dispute resolution methods (notice and take downs)
- Regular courts
- Internet Courts

7.2

Tips for enforcement

- Register your trade marks in advance
- Register your logos as copyright
- Use blockchain for saving evidence
- Use technology for trade mark protection

08

Enforcement

- IP dispute resolution methods



Notice and take down

8.1

Documents needed

- IPR certificate
- Identity documents

8.2

Steps

- IP holder notification
- Platform – measures taken
- Infringer's defence
- Period for further actions



Internet Courts

8.3

Introduction - Main characteristics

- Online
- Fast
- Jurisdictions limited

8.4

Jurisdiction - E-commerce cases

- Online copyright infringement
- Online service contracts
- Domain name disputes

09 | Blockchain



BLOCKCHAIN

9.1

Introduction

- How blockchain works?
- Advantages from the legal perspective

9.2

Usages of blockchain for IPR protection

- Collect evidence of infringement
- Trade secret protection
- Proof of trade mark usage
- Proof of copyright creation

9.3

Legal status in Chinese courts

- Internet Courts

10 | Takeaway messages



- ✓ Register your IP ASAP – first to file rule
- ✓ Get NDAs and IP ownership agreements to secure your IPRs
- ✓ Keep constant surveillance of e-commerce platforms



- ✓ Prepare your documents in advance
- ✓ Collect as much evidence as possible before going to court
- ✓ Be proactive enforcing your rights



- ✓ Contact the China IPR SME Helpdesk ***question@china-iprhelpdesk.eu***

Questions?

HELPLINE

free, fast & confidential

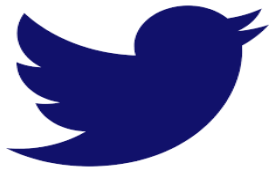
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We appreciate if you could share your comments with us.

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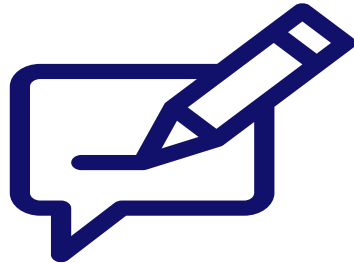
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German Chamber Upcoming Events




Webinar - What do you need to know:
Individual Income Tax (IIT) in 2021

 2021年03月09日 (15:00 -
16:00)
(GMT+8)





Xplore China | Hainan

 2021年03月25日, 2021年
03月26日
(GMT+8)

 The Longha...
Hainan 海南Haikou 海口




Guangzhou - InterChamber Networking
Drinks

 2021年03月18日 (19:00)  Four Seasons Hotel
广东广州





AHK Soapbox - Women in Business

 2021年03月31日 (14:30 -
17:00)
(GMT+8)

 WeWork
Shenzhen, Guangdong



Shenzhen - InterChamber Networking Drinks

 2021年03月25日 (19:00)  Four Seasons Hotel
广东深圳

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